

## AMENDMENT NO. 4309

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 4309 proposed to S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

## AMENDMENT NO. 4310

At the request of Mr. ALLARD, his name was added as a cosponsor of amendment No. 4310 proposed to S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. BROWNBACK):

S. 2773. A bill to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill that has significance for the entire Great Plains region of our Nation. The High Plains Aquifer, which is comprised in large part by the Ogallala Aquifer, extends under eight states: Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming. It is experiencing alarming declines in its water levels. This aquifer is the source of water for farmers and communities throughout the Great Plains region. The legislation I am introducing today is intended to ensure that sound and objective science is available with respect to the hydrology and geology of the High Plains Aquifer.

This bill, the "High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act," would direct the Secretary of the Interior to develop and carry out a comprehensive hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer. The Secretary is directed to work in conjunction with the eight High Plains Aquifer States in carrying out this program. The U.S. Geological Survey and the States will work in cooperation to further the goals of this program, with half of the available funds directed to the State component of the program.

I have appreciated the input and assistance of many in the High Plains Aquifer States in putting this legislation together. Last session, I introduced two bills relating to the High Plains Aquifer. One of these bills, S. 1537 would have established a mapping and monitoring program for the High Plains Aquifer. The bill I am introducing today revises and refines that program based on input from several of the State geologists and water management agency officials who would be in-

involved in implementing the program. Their assistance has been invaluable. As we conduct hearings on this legislation, I hope to receive further comment from them on the legislation, and I look forward to continuing to work with them as we proceed with this important legislation.

The second bill that I introduced last session, S. 1538, proposed that the Secretary of Agriculture provide incentive payments through the Farm Program to producers who were willing to conserve water by converting to less water-intensive crops or to dryland farming. In addition, the bill would have provided assistance to producers to make their irrigation systems more water efficient. I am pleased that the recently-enacted Farm Security and Rural Investment Act of 2002 establishes a ground and surface water conservation program which incorporates several of the concepts contained in S. 1538. It is to be funded in the amount of \$25 million for fiscal year 2002, \$45 million for fiscal year 2003, and \$60 million for each of fiscal years 2004 through 2007.

The Conference Report for the 2002 Farm Bill makes clear that "highest priority" is to be accorded the High Plains region in the funding and implementation of this program. I expect that the new program will yield substantial benefits to the High Plains region in addressing ground water depletion by providing cost-share payments, incentive payments, and loans to producers to improve irrigation systems, enhance irrigation efficiencies, convert to the production of less water-intensive crops or dryland farming, improve water storage through measures such as water banking and groundwater recharge, mitigate the effects of drought, and institute other measures as determined by the Secretary.

A reliable source of groundwater is essential to the well-being and livelihoods of people in the Great Plains region. Local towns and rural areas are dependent on the use of groundwater for drinking water, ranching, farming, and other commercial uses. Yet many areas overlaying the Ogallala Aquifer have experienced a dramatic depletion of this groundwater resource. The problem we are confronting is that the aquifer is not sustainable, and it is being depleted rapidly. This threatens the way of life of all who live on the High Plains. The bill I am introducing today would help ensure that the relevant science needed to address this problem is available so that we will have a better understanding of the resources of the High Plains Aquifer. I ask that my colleagues join me in supporting this legislation.

I ask unanimous consent that the text of the bill and the section-by-section be printed in the RECORD.

I also ask unanimous consent that a letter from the State Geologist of Kansas, written on behalf of the State geological surveys of the eight High Plains Aquifer States, endorsing the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2773

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act".

## SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) ASSOCIATION.—The term "Association" means the Association of American State Geologists.

(2) DIRECTOR.—The term "Director" means the Director of the United States Geological Survey.

(3) FEDERAL COMPONENT.—The term "Federal component" means the Federal component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 3(c).

(4) HIGH PLAINS AQUIFER.—The term "High Plains Aquifer" is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400-B, title "Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming."

(5) HIGH PLAINS AQUIFER STATES.—The term "High Plains Aquifer States" means the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas and Wyoming.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STATE COMPONENT.—The term "State component" means the State component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 3(d).

## SEC. 3. ESTABLISHMENT

(a) PROGRAM.—The Secretary, working through the United States Geological Survey, and in cooperation with the State geological surveys and the water management agencies of the High Plains Aquifer States, shall establish and carry out the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program, for the purposes of the characterization, mapping, modeling, and monitoring of the High Plains Aquifer. The program shall undertake on a county-by-county level or at the largest scales and most detailed levels determined to be appropriate on a state-by-state and regional basis: (1) mapping of the hydrogeological configuration of the High Plains Aquifer; and (2) with respect to the High Plains Aquifer, analyses of the current and past rates at which groundwater is being withdrawn and recharged, the net rate of decrease or increase in High Plains Aquifer storage, the factors controlling the rate of horizontal and vertical migration of water within the High Plains Aquifer, and the current and past rate of loss of saturated thickness within the High Plains Aquifer. The program shall also develop, as needed, regional data bases and groundwater flow models.

(b) FUNDING.—The Secretary shall make available fifty percent of the funds available pursuant to this Act for use in carrying out the State component of the program, as provided for by subsection (d).

(c) FEDERAL PROGRAM COMPONENT.—

(1) PRIORITIES.—The program shall include a Federal component, developed in consultation with the Federal Review Panel provided for by subsection (e), which shall have as its priorities—

(A) coordinating Federal, State, and local, data, maps, and models into an integrated physical characterization of the High Plains Aquifer;

(B) supporting State and local activities with scientific and technical specialists; and

(C) undertaking activities and providing technical capabilities not available at the State and local levels.

(2) **INTERDISCIPLINARY STUDIES.**—The Federal component shall include interdisciplinary studies that add value to hydrogeologic characterization, mapping, modeling and monitoring for the High Plains Aquifer.

(d) **STATE PROGRAM COMPONENT.**—

(1) **PRIORITIES.**—The program shall include a State component which shall have as its priorities hydrogeologic characterization, mapping, modeling, and monitoring activities in areas of the High Plains Aquifer that will assist in addressing issues relating to groundwater depletion and resource assessment of the Aquifer. Priorities under the State component shall be based upon the recommendations of State panels representing a broad range of users of hydrogeologic data and information, which shall be appointed by the Governor of the State or the Governor's designee.

(2) **AWARDS.**—Twenty percent of the Federal funds available under the State component shall be equally divided among the State geological surveys of the High Plains Aquifer States to carry out the purposes of the program provided for by this Act. The remaining funds under the state component shall be competitively awarded to State or local agencies or entities in the High Plains Aquifer States, including State geological surveys, State water management agencies, institutions of higher education, or consortia of such agencies or entities. Such funds shall be awarded by the Director only for proposals that have been recommended by the State panels referred to in subsection (d)(1), subjected to independent peer review, and given final recommendation by the Federal Review Panel established under subsection (e). Proposals for multi-state activities must be recommended by the State panel of at least one of the affected States.

(e) **FEDERAL REVIEW PANEL.**—

(1) **ESTABLISHMENT.**—There shall be established a Federal Review Panel to evaluate the proposals submitted for funding under the State component under subsection (d)(2) and to recommend approvals and levels of funding. In addition, the Federal Review Panel shall review and coordinate the Federal component priorities under subsection (c)(1), Federal interdisciplinary studies under subsection (c)(2), and the State component priorities under subsection (d)(1).

(2) **COMPOSITION AND SUPPORT.**—Not later than three months after the date of enactment of this Act, the Secretary shall appoint to the Federal Review Panel: (1) two representatives of the United States Geological Survey, at least one of which shall be a hydrologist or hydrogeologist; and (2) three representatives of the geological surveys and water management agencies of the High Plains Aquifer States from lists of nominees provided by the Association and the Western States Water Council, so that there is representation of both the State geological surveys and the State water management agencies. Appointment to the Panel shall be for a term of three years. The Director shall provide technical and administrative support to the Federal Review Panel. Expenses for the Federal Review Panel shall be paid from funds available under the Federal component of the program.

(f) **LIMITATION.**—The United States Geological Survey shall not use any of the Federal funds to be made available under the State component for any fiscal year to pay

indirect, servicing, or program management charges. Recipients of awards granted under subsection (d)(2) shall not use more than eighteen percent of the Federal award amount for any fiscal year for indirect, servicing, or program management charges.

#### SEC. 4. PLAN.

The Secretary, acting through the Director, shall, with the participation and review of the Association, the Western States Water Council, the Federal Review Panel, and the State panels, prepare a plan for the High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program. The plan shall address overall priorities for the program and a management structure and program operations, including the role and responsibilities of the United States Geological Survey and the States in the program, and mechanisms for identifying priorities for the Federal component and the State component.

#### SEC. 5. REPORTING REQUIREMENTS.

(a) **REPORT ON PROGRAM IMPLEMENTATION.**—One year after the date of enactment of this Act, and every two years thereafter through fiscal year 2011, the Secretary shall submit a report on the status of implementation of the program established by this Act to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States.

(b) **REPORT ON HIGH PLAINS AQUIFER.**—One year after the date of enactment of this Act and every year thereafter through fiscal year 2011, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States on the status of the High Plains Aquifer, including aquifer recharge rates, extraction rates, saturated thickness, and water table levels.

(c) **ROLE OF FEDERAL REVIEW PANEL.**—The Federal Review Panel shall be given an opportunity to review and comment on the reports required by this section.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2011 to carry out this Act.

#### SECTION-BY-SECTION HIGH PLAINS AQUIFER HYDROGEOLOGIC CHARACTERIZATION, MAPPING, MODELING AND MONITORING ACT

##### SEC. 1. SHORT TITLE

##### SEC. 2. DEFINITIONS

Defines the High Plains Aquifer States as the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas and Wyoming.

##### SEC. 3. ESTABLISHMENT

(a) **Program.** Directs the Secretary of the Interior, working through the U.S. Geological Survey, in cooperation with the State geological surveys and the water management agencies of the High Plains Aquifer States, to establish and carry out the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program. The program is to undertake on a county-by-county level or at the most detailed level that is appropriate, mapping of the hydrogeological configuration of the High Plains Aquifer and analyses of several aspects of the hydrology and hydrogeology of the Aquifer, as specified.

(b) **Funding.** Requires the Secretary to make available fifty percent of the funds available pursuant to the Act for use in carrying out the State component of the program.

(c) **Federal Program Component.**

(1) **Priorities.** The program is to include a Federal component, developed in consultation with the Federal Review Panel, which shall have as priorities coordinating data, maps and models into an integrated physical characterization of the High Plains Aquifer, supporting State and local activities with scientific and technical specialists, and undertaking activities not available at State and local levels.

(2) **Interdisciplinary Studies.** The Federal component is to include interdisciplinary studies.

(d) **State Program Component.**

(1) **Priorities.** The program is to include a State component which shall have as priorities characterization, mapping, modeling, and monitoring activities that will assist in addressing issues relating to groundwater depletion and resource assessment of the Aquifer. Priorities are to be based on recommendations of State panels representing a broad range of users of data and information, which shall be appointed by the Governor of the State or the Governor's designee.

(2) **Awards.** Twenty percent of the funds available in the State component shall be equally divided among the State geological surveys of the High Plains Aquifer States. The remaining amounts shall be competitively awarded by the Director of the U.S. Geological Survey to State or local agencies or entities in the High Plains Aquifer States for proposals that have been recommended by the State panels, subject to independent peer review, and given final recommendation by the Federal Review Panel.

(e) **Federal Review Panel.**

(1) **Establishment.** Establishes a Federal Review Panel to evaluate proposals submitted for funding under the State component, to review and coordinate Federal component priorities, Federal interdisciplinary studies, and State component priorities.

(2) **Composition and Support.** The Secretary of the Interior is to appoint to the Federal Review Panel two representatives of the U.S. Geological Survey (at least one of which shall be a hydrologist or a hydrogeologist) and three representatives of the geological surveys and water management agencies of the High Plains Aquifer States from lists of nominees provided by the Association of American State Geologists and the Western States Water Council. There is to be representation of both the State geological surveys and the State water management agencies.

(f) **Limitation.**

The U.S. Geological Survey is not to use any of the Federal funds made available for the State components to pay indirect, servicing or program charges. Recipients of awards granted under subsection (d)(2) shall not use more than eighteen percent of the Federal award amount for indirect, servicing, or program management charges.

##### SEC. 4. PLAN

The Secretary, with the participation and review of the Association of American State Geologists, the Western States Water Council, the Federal Review Panel and the State panels, is directed to prepare a plan for the program.

##### SEC. 5. REPORTING REQUIREMENTS

(a) **Report on Program Implementation.** The Secretary is to submit a report one year after the date of enactment of this Act and every two years thereafter, on the status of implementation of the program to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House, and the Governors of the High Plains Aquifer States.

(b) **Report on High Plains Aquifer.** One year after the date of enactment the Act and

every year thereafter, the Secretary is to submit a report to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House, and the Governors of the High Plains Aquifer States, on the status of the High Plains Aquifer.

(c) Role of Federal Review Panel. The Federal Review Panel will be given an opportunity to review and comment on the reports.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated such sums as may be necessary to carry out the Act for fiscal years 2003 through 2011.

KANSAS GEOLOGICAL SURVEY,  
OFFICE OF THE DIRECTOR,  
Lawrence, KS, July 18, 2002.

Hon. JEFF BINGAMAN,  
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: I am writing on behalf of the geological surveys of the eight High Plains states to endorse your proposed legislation. "High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling, and Monitoring Act."

This act will authorize scientific and technical analyses critical to extending and conserving the life of the nation's single largest groundwater resource. It is particularly noteworthy that the act is written to facilitate and ensure cooperation and collaboration among all of the affected geological surveys, state water agencies, and the local water user communities.

The High Plains aquifer is a complex system of geologic materials that vary vertically and across the region in its thickness, water storage and transport capacity, and ability to be recharged. Eight state geological surveys and the U.S. Geological Survey formed the High Plains Aquifer Coalition two years ago to advance the understanding of the subsurface distribution, character, and nature of the High Plains Aquifer that comprises the geologic deposits in the eight-state Mid-continent region. The distribution, withdrawal, and recharge of groundwater, and the interaction with surface waters are profoundly affected by the geology and the natural environment of the High Plains Aquifer in all eight states—New Mexico, Texas, Oklahoma, Colorado, Kansas, Nebraska, South Dakota, and Wyoming. The geological surveys, in consultation with the state and local water agencies and groups, have agreed on the need for comprehensive understanding of the subsurface configuration and hydrogeology of the High Plains Aquifer. This information is needed to provide state, regional, and national policymakers with the earth-science information required to make informed decisions regarding urban and agricultural land use, the protection of aquifers and surface waters, and the environmental well being of the citizens of this geologically unique region.

Water contained in the High Plains Aquifer must be considered a finite resource and thus warrants a different management approach than that used for more robust or readily recharged aquifers. Your proposed legislation addresses this issue in an effective and logical manner, and we believe it will receive broad support.

The "High Plains Aquifer Characterization, Mapping, Modeling, and Monitoring Act" is a necessary first step in a comprehensive program to adequately address issues of conservation, education, and agricultural economics in the High Plains Aquifer. We applaud your vision and leadership in introducing this legislation.

Sincerely,

M. LEE ALLISON,  
STATE GEOLOGIST AND DIRECTOR,  
Kansas Geological Survey Coordinator, High  
Plains Aquifer Coalition.

By Mr. BINGAMAN:

S. 2776. A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased today to introduce legislation to protect several important archaeological sites in the Galisteo Basin in New Mexico. This bill identifies approximately two dozen sites in northern New Mexico which contain the ruins of pueblos dating back almost 900 years. When Coronado and other Spanish conquistadores first entered what is now New Mexico in 1541, they encountered a thriving Pueblo culture with its own unique tradition of religion, architecture and art, which was influenced through an extensive trade system. We know that these sites remain occupied up through the Pueblo revolt in 1680. After that, the sites were deserted, although we still don't know why they were abandoned, after over 700 years of continuous use.

Through these sites, we now have the opportunity to learn more not only about the history and culture of these Pueblos, but also about the first interaction between European and Native American cultures. The Cochiti Pueblo, in particular, is culturally and historically tied to these sites, which have tremendous historical and religious significance to the Pueblo. I am grateful for the continued support of the Pueblo de Cochiti for this legislation. This bill has strong local support, including the Santa Fe Board of County Commissioners, the City of Santa Fe, and the Archdiocese of Santa Fe. I would also like to thank the Archaeological Conservancy for its efforts over the past several years to identify and protect many of these sites, and in helping with this legislation.

Many of these archaeological sites are on Federal land administered by the Bureau of Land Management. BLM archaeologists have already provided extensive background research on many of these sites, and I was pleased that the agency supported a similar bill I introduced in the previous Congress.

Many of the archaeological sites identified in the bill are on non-Federal land. I would like to emphasize that the bill only authorizes voluntary participation, and there is no restriction or other limitation imposed on these lands. Because this is a sensitive issue, I have added language to this year's bill to explicitly state that the Secretary of the Interior has no authority to administer sites on non-Federal lands except to the extent provided for in a cooperative agreement entered into between the Secretary and the landowner. Similarly, the Secretary's authority to acquire lands is limited to willing sellers only.

In the three years since I first introduced this proposal, many irreplaceable archaeological resources have been lost, whether by vandalism, ero-

sion, or other means. Enactment of the Galisteo Basin Archaeological Sites Protection Act will allow us to take the first steps necessary to protect these resources and to allow for improved public understanding and interpretation of these sites.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2776

*Be it enacted in the Senate and the House of Representatives in the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Galisteo Basin Archaeological Sites Protection Act".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Galisteo Basin and surrounding area of New Mexico is the location of many well preserved prehistoric and historic archaeological resources of Native American and Spanish colonial cultures;

(2) these resources include the largest ruins of Pueblo Indian settlements in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements; and

(3) these resources are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation, protection, and interpretation of the nationally significant archaeological resources in the Galisteo Basin in New Mexico.

#### SEC. 3. ESTABLISHMENT OF GALISTEO BASIN ARCHAEOLOGICAL PROTECTION SITES.

(a) IN GENERAL.—The following archaeological sites located in the Galisteo Basin in the State of New Mexico, totaling approximately 4,591 acres, are hereby designated as Galisteo Basin Archaeological Protection Sites:

Name	Acres
Arroyo Hondo Pueblo .....	21
Burnt Corn Pueblo .....	110
Chamisa Locita Pueblo ..	16
Comanche Gap .....	764
Petroglyphs.	
Espinosa Ridge Site .....	160
La Cienega Pueblo & ..	126
Petroglyphs.	
La Cienega Pithouse Village.	179
La Cieneguilla .....	531
Petroglyphs/Camino Real Site.	
La Cieneguilla Pueblo ....	11
Lamy Pueblo .....	30
Lamy Junction Site .....	80
Las Huertas .....	44
Pa'ako Pueblo .....	29
Petroglyph Hill .....	130
Pueblo Blanco .....	878
Pueblo Colorado .....	120
Pueblo Galisteo/Las Madres.	
Pueblo Largo .....	60
Pueblo She .....	120
Rote Chert Quarry .....	5
San Cristobal Pueblo .....	520
San Lazaro Pueblo .....	360
San Marcos Pueblo .....	152
Upper Arroyo Hondo Pueblo.	12
Total Acreage .....	4,591

(c) AVAILABILITY OF MAPS.—The archaeological protection sites listed in subsection (b) are generally depicted on a series of 19 maps entitled "Galisteo Basin Archaeological Protection Sites" and dated July, 2002. The Secretary shall keep the maps on file and available for public inspection in appropriate offices in New Mexico of the Bureau of Land Management and the National Park Service.

(d) BOUNDARY ADJUSTMENTS.—The Secretary may make minor boundary adjustments to the archaeological protection sites by publishing notice thereof in the Federal Register.

#### SEC. 4. ADDITIONAL SITES.

(a) IN GENERAL.—The Secretary of the Interior (in this Act referred to as “Secretary”) shall—

(1) continue to search for additional Native American and Spanish colonial sites in the Galisteo Basin area of New Mexico; and

(2) submit to Congress, within three years after the date funds become available and thereafter as needed, recommendations for additions to, deletions from, and modifications of the boundaries of the list of archaeological protection sites in section 3 of this Act.

(b) ADDITIONS ONLY BY STATUTE.—Additions to or deletions from the list in section 3 shall be made only by an Act of Congress.

#### SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—(1) The Secretary shall administer archaeological protection sites located on Federal land in accordance with the provisions of this Act, the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), and other applicable laws in a manner that will protect, preserve, and maintain the archaeological resources and provide for research thereon.

(2) The Secretary shall have no authority to administer archaeological protection sites which are on non-Federal lands except to the extent provided for in a cooperative agreement entered into between the Secretary and the landowner.

(3) Nothing in this Act shall be construed to extend the authorities of the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Repatriation Act to private lands which are designated as an archaeological protection site.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Within three complete fiscal years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, a general management plan for the identification, research, protection, and public interpretation of—

(A) the archaeological protection sites located on Federal land; and

(B) for sites on State or private lands for which the Secretary has entered into cooperative agreements pursuant to section 6 of this Act.

(2) CONSULTATION.—The general management plan shall be developed by the Secretary in consultation with the Governor of New Mexico, the New Mexico State Land Commissioner, affected Native American pueblos, and other interested parties.

#### SEC. 6. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with owners of non-Federal lands with regard to an archaeological protection site, or portion thereof, located on their property. The purpose of such an agreement shall be to enable to the Secretary to assist with the protection, preservation, maintenance, and administration of the archaeological resources and associated lands. Where appropriate, a cooperative agreement may also provide for public interpretation of the site.

#### SEC. 7. ACQUISITIONS.

(a) IN GENERAL.—The Secretary is authorized to acquire lands and interests therein within the boundaries of the archaeological

protection sites, including access thereto, by donation, by purchase with donated or appropriated funds, or by exchange.

(b) CONSENT OF OWNER REQUIRED.—The Secretary may only acquire lands or interests therein within the consent of the owner thereof.

(c) STATE LANDS.—The Secretary may acquire lands or interests therein owned by the State of New Mexico or a political subdivision thereof only by donation or exchange, except that State trust lands may only be acquired by exchange.

#### SEC. 8. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the archaeological protection sites are hereby withdrawn—

(1) from all forms of entry, appropriation, or disposal under the public land laws and all amendments thereto;

(2) from location, entry, and patent under the mining law and all amendments thereto; and

(3) from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

#### SEC. 9. SAVINGS PROVISIONS.

Nothing in this Act shall be construed—

(1) to authorize the regulation of privately owned lands within an area designated as an archaeological protection site;

(2) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands; or

(3) to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation.

(4) to restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

### STATEMENTS ON SUBMITTED RESOLUTIONS

SENTE CONCURRENT RESOLUTION 130—EXPRESSING THE SENSE OF CONGRESS THAT THE FEDERAL MEDIATION AND CONCILIATION SERVICE SHOULD EXERT ITS BEST EFFORTS TO CAUSE THE MAJOR LEAGUE BASEBALL PLAYERS ASSOCIATION AND THE OWNERS OF THE TEAMS OF MAJOR LEAGUE BASEBALL TO ENTER INTO A CONTRACT TO CONTINUE TO PLAY PROFESSIONAL BASEBALL GAMES WITHOUT ENGAGING IN A STRIKE, A LOCKOUT OR ANY COERCIVE CONDUCT THAT INTERFERES WITH THE PLAYING OF SCHEDULED PROFESSIONAL BASEBALL GAMES

Mr. MILLER submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions.

#### S. CON RES. 130

Whereas major league baseball is a national institution and is commonly referred to as “the national pastime”;

Whereas major league baseball and its players played a critical role in restoring America’s spirit following the tragic events of September 11, 2001;

Whereas major league baseball players are role models to millions of young Americans; and

Whereas while the financial issues involved in this current labor negotiation are significant, they pale in comparison to the damage that will be caused by a strike or work stoppage: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that the Federal Mediation and Conciliation Service, on its own motion and in accordance with section 203(b) of the Labor Management Relations Act, 1947 (29 U.S.C. 173(b)), should immediately—

(1) proffer its services to the Major League Baseball Players Association and the owners of the teams of Major League Baseball to resolve labor contract disputes relating to entering into a collective bargaining agreement; and

(2) use its best efforts to bring the parties to agree to such contract without engaging in a strike, a lockout, or any other coercion that interferes with the playing of scheduled professional baseball games.

Mr. MILLER. Mr. President, today I share with my colleagues a resolution that calls on the Federal Mediation and Conciliation Service to exert its best efforts to cause the Major League Baseball Players Association and the owners of the teams of Major League Baseball to enter into a contract to continue to play professional baseball games without engaging in any coercive conduct that interferes with the playing of scheduled professional baseball games.

Folks don’t agree on much around this place. But, I think we can all agree that baseball as we’ve known it, is in deep trouble.

Billion dollar owners and multi-million dollar players refusing to come together and do what’s right for the game.

Steroid use rampant, according to an article in Sports Illustrated.

And the best Senator DORGAN could get out of a June hearing from the Players Association Executive Director was for him to say “We’ll have a frank and open discussion” on the topic.

But the big problem is that the player’s labor contract expired last year and the negotiations on a new deal are going nowhere.

There have been eight different labor agreements and each time there was a work stoppage.

The last time the owners and players tried to renew their contract back in 1994, it took a 232-day shutdown of the game, including canceling the World Series for the first time in 90 years, to finally get an agreement.

Hall of Famer and U.S. Senator JIM BUNNING has an op-ed piece in this morning’s New York Times. He writes, “The last strike nearly killed the game. I am afraid the next one will.”

There are many problems. Only five out of thirty teams made a profit last season. That means 25 ended up in the red. The extreme ran from the Yankees collecting \$217.8 million and the Montreal Expos \$9.8 million.

The average player today, the average player, makes more than \$2 million a year.